



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, MARCH 10, 2005**

Invocation: Dr. Sterling Lands, II, Senior Pastor, Greater Calvary Baptist Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, March 10, 2005 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:17 a.m.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Alvarez' motion, Council Member Thomas' second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

1. Approval of minutes from the meeting of March 3, 2005.
The minutes from the regular meeting of March 3, 2005 were approved.

2. Authorize negotiation and execution of an artwork commission agreement with LaMA VENTURES, Dallas, TX, for a sculpture with functional drinking fountains for Second Street District Streetscape Improvement Project, in an amount not to exceed \$78,000. (Funding for these services is available from the Art in Public Places allocation of \$62,000 from the Second Street District Streetscape Improvement Project; and \$16,000 from the Ullrich Water Treatment Plant.) (Approved by the Austin Arts Commission.) (Related Item 3)
The motion authorizing the negotiation and execution of an artwork commission agreement was approved.

3. Authorize negotiation and execution of an artwork commission agreement with BARBARA GRYGUTIS, Tucson, AZ, for a sculpture with functional drinking fountain for Second Street District Streetscape Improvement Project, in an amount not to exceed \$127,500. (Funding in the amount of \$127,500 is available from the Art in Public Places allocation from the Ullrich Water Treatment Plant.) (Approved by the Austin Arts Commission.) (Related Item 2)
The motion authorizing the negotiation and execution of an artwork commission agreement was approved.

Item 4 was pulled for discussion.

5. Approve a resolution approving issuance by River Place Municipal Utility District of Unlimited Tax and Revenue Refunding Bonds, Series 2005, in an amount not to exceed \$6,050,000; and approving a substantial draft of the proposed Bond Order and Preliminary Official Statement. (The City is not responsible for payment of District bond debt service unless the District is annexed and dissolved.)
Resolution No. 050310-5 was approved.
6. Approve an ordinance authorizing acceptance of \$171,596 in carry-forward grant funds from the U.S. Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science, Office of Minority Health Technical Assistance and Capacity Development Demonstration Grant Program for HIV/AIDS-Related Services in Minority Communities and amending the Fiscal Year 2004-2005 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 040913-01 to appropriate \$171,596 for a total grant amount of \$553,973 to build the capacity of small and start-up community-based organizations for increased HIV-AIDS services and decrease AIDS infection in communities of color. (Carry-forward funding in the amount \$171,596 is available from the U.S. Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science, Office of Minority Health Technical Assistance and Capacity Development Demonstration Grant Program for HIV/AIDS-Related Services in Minority Communities. The grant period is August 1, 2004 through July 31, 2005. No City match is required.)
Ordinance No. 050310-6 was approved.
7. Approve the renewal of and Amendment no. 1 to the contract with AMERICAN CANCER SOCIETY, Austin, TX, in an amount not to exceed \$96,590, with three 12-month renewal options in an amount not-to-exceed \$110,000 per renewal option, for a total agreement amount not to exceed \$489,590 to continue and increase its work assisting school districts and area employer groups in building their capacity to promote health and wellness related to physical activity, healthy nutrition, and tobacco prevention and cessation; and to continue and expand implementation of targeted tobacco prevention campaigns in partnership with other community and faith-based outreach efforts. (Funding in the amount of \$96,590 is included in the Fiscal Year 2004-2005 Approved Operating Budget of the Health and Human Services Special Revenue Fund from the U.S. Department of Health and Human Services' Centers for Disease Control and Prevention (CDC) Steps to a Healthier U.S. grant program. The grant period is from September 22, 2004 through September 21, 2005. Renewal options are contingent upon available funding in future budgets)
The motion authorizing the renewal of and Amendment No. 1 to the contract was approved.
8. Approve designation of Edward MacLeod Racht, M.D. as an Alternate Health Authority for Health and Human Services Department effective March 10, 2005.
The motion authorizing the designation of Edward MacLeod Racht, M.D. as an Alternate Health Authority was approved.
9. Approve an amendment to the legal services contract with Denton, Navarro, Rocha & Bernal, P.C., for consultation in *Jeff White v. City of Austin*, Cause No. GN201624, in the 126th Judicial District, Travis County, Texas, in an amount of \$25,000.00, resulting in a total contract amount not to exceed \$173,750.00 (Funding in the amount of \$25,000.00 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Liability Reserve Fund.) (Related Item 36)
The motion authorizing the amendment to the legal services contract was approved.

Item 10 was pulled for discussion.

11. Approve a resolution authorizing the application for \$21,250 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division, Safe and Drug-Free Schools and Communities Act Fund for the Austin Faith Community Network to increase youth activities and continue hosting an annual conference. (Funding is available from the State of Texas, Governor's Office, Criminal Justice Division, for the grant period September 1, 2005 to August 31, 2006. An in-kind match of \$21,250 is required, and will be proposed in the Fiscal Year 2005-2006 Operating Budget for the Austin Police Department.)
Resolution No. 050310-11 was approved.

Item 12 was reconsidered later in the meeting.

13. Approve an ordinance amending Section 12-1-21 of the City Code relating to buses entering or exiting a bus stop across a bike lane.
Ordinance No. 050310-13 was approved.
14. Ratify a construction contract with AUSTIN FILTER SYSTEMS, INCORPORATED, Austin, TX, for the Fort Branch - Manor Road Emergency Project as an emergency and health and safety procurement in an amount not to exceed \$475,072.75. (Funding is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Watershed Protection and Development Review Department.) Public Health and Safety Exemption.
The motion authorizing a construction contract was approved.
15. Authorize negotiation and execution of a professional services agreement with KLEINFELDER, Austin, TX, for engineering services for the Reservoir Recoating and Safety Improvements project in an amount not to exceed \$600,000 over a four year period or until funds are expended. (Funding in the amount of \$100,000 is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility. Funding for the remaining three years of the contract period is contingent upon available funding in the future.) Best qualification statement of four received. 14.42% MBE and 0.60% WBE subconsultant participation. (Recommended by the Water and Wastewater Commission.)
The motion authorizing the negotiation and execution of a professional services agreement was approved.
16. Authorize negotiation and execution of a professional services agreement with the following five firms: MECHANICAL & MATERIALS (M&M) ENGINEERING, LLC, Austin, TX; STRUCTURAL INTEGRITY ASSOCIATES, INC., Austin, TX; REINHART & ASSOCIATES, INC., Austin, TX; THIELSCH ENGINEERING, INC., Austin, TX; and APTECH ENGINEERING SERVICES, INC., Houston, TX, for identification of necessary examinations, engineering analysis, inspections, laboratory testing, fatigue analysis, sampling, interpretations, reports and recommendations for the Identification and Analysis of Flaws in Power Plant Components Rotation List, for an estimated period of three years or until available funding authorization is expended, in an amount not to exceed \$3,000,000, with the total amount of the five agreements not to exceed \$3,000,000 (estimated approximately \$1,000,000 for each of the top two ranked firms and \$333,000 for each of the next three ranked firms). (Funding in the amount of \$500,000 is available in the Fiscal Year 2004-2005 Amended Operating Budget of Austin Energy. The remaining 30 months of the original contract period is contingent upon available funding in future budgets.) All five firms that submitted qualification statements are recommended. 16.5% MBE and 14.2% WBE subconsultant participation. (Recommended by the Electric Utility Commission.)
The motion authorizing negotiation and execution of a professional services agreement was approved.

17. Authorize negotiation and execution of a professional services agreement with ALAN PLUMMER ASSOCIATES, INC., Austin, TX, for a water resource planning study that will focus on planning for water to supply Austin's long-term needs, in an amount not to exceed \$500,000. (Funding is available in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.) Best qualification statement of four received. 15.90% MBE and 14.20% WBE subconsultant participation. (Recommended by the Water and Wastewater Commission.)
This item was postponed to March 24, 2005.

18. Authorize execution of a 12-month supply agreement with HUGHES SUPPLY, Austin, TX, for conductors and components for a cable pulling system in an amount not to exceed \$106,482.97, with four 12-month extension options in an amount not to exceed \$106,482.97 per extension option, for a total agreement amount not to exceed \$532,414.85. (Funding in the amount of \$106,482.97 is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets.) Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.
The motion authorizing the execution of a supply agreement was approved.

19. Authorize execution of a 12-month service agreement with PIMPTON'S LANDSCAPING, INC. (MBE/MB-100%), Austin, TX, for annual grounds maintenance services for the Austin Water Utility in an amount not to exceed \$49,072, with two 12-month extension options in the amount not to exceed \$49,072 per extension, for a total contract amount not to exceed \$147,216. (Funding in the amount of \$24,536 is available in the Fiscal Year 2004-2005 Approved Operating Budget for the Austin Water Utility. Funding for the remaining six months of the initial contract period and extension option is contingent upon available funding in future budgets.) Lowest bid of ten bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a service agreement was approved.

20. Authorize execution of Amendment No. 5 to the contract with CENTRAL PARKING SYSTEM, Austin, TX, for a 90-day holdover for the operation and management of the IH-35 parking lots in an amount not to exceed \$23,532 for a total agreement amount not to exceed \$93,684. (Funding is available in the Fiscal Year 2004-2005 Approved IH-35 Fund of the Finance and Administrative Services Department, Building Services Division.) The original contract was awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.
The motion authorizing the execution of Amendment No. 5 to the contract was approved.

21. Authorize negotiation and execution of two 12-month service agreements with EMERGENCY ANIMAL HOSPITAL, Austin, TX, and with ANIMAL EMERGENCY HOSPITAL OF AUSTIN, Austin, TX, for professional emergency hospital veterinary services in an amount not to exceed \$54,000 combined, with three 12-month extension options in an amount not to exceed \$54,000 per extension option, for a combined total agreement amount not to exceed \$216,000. (Funding in the amount of \$27,000 is available in the Fiscal Year 2004-2005 Operating Budget of the Health and Human Services Department. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) Chapter 2254 Professional and Consulting Services Exception. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established.
The motion authorizing the negotiation and execution of two service agreements was approved.
22. Authorize execution of a contract with BICYCLE SPORT SHOP, INC., Austin, TX, for police bicycles and accessories in an amount not to exceed \$55,946.40. (Funding is available in the Fiscal Year 2004-2005 Approved Police Federal Seized Fund Budget of the Austin Police Department.) Lowest bid of six bids received. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a contract was approved.
23. Authorize execution of Amendment No. 10 to the contract with METROCALL, INC., Austin TX, for wireless messaging services to extend the contract for seven months, in an amount not to exceed \$315,000, for a total revised contract amount not to exceed \$2,889,807.64. (Funding in the amount of \$315,000 is available in the Fiscal Year 2004-2005 Operating Budget of various departments.) This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of Amendment No. 10 to the contract was approved.
24. Authorize execution of a contract through the Houston-Galveston Area Council of Governments with PHILPOTT MOTORS LTD., Nederland, TX, for 74 light duty vehicles in an amount not to exceed \$2,137,011.43; and with CLASSIC CHEVROLET, Beaumont, TX, for 7 light duty vehicles in an amount not to exceed \$124,435.23. (Funding in the amount of \$432,378.38 is available in the Fiscal Year 2004-2005 Approved Vehicle Acquisition Fund. Funding in the amount of \$173,670.48 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Aviation Department. Funding in the amount of \$107,317.20 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Austin Water Utility. Funding in the amount of \$59,614.71 is available in the Fiscal Year 2004-2005 Approved Operating Budget of the Solid Waste Services Department. Funding in the amount of \$622,772.67 is available in the Fiscal Year 2004-2005 Approved Capital Budget of Austin Energy. Funding in the amount of \$697,539.79 is included in the Fiscal Year 2004-2005 Approved Capital Budget of the Austin Water Utility. Funding in the amount of \$141,089.79 is available in the Fiscal Year 2004-2005 Approved Capital Budget of Public Works Department. Funding in the amount of \$27,063.64 is available in the Fiscal Year 2004-2005 Approved Capital Budget of the Watershed Protection Development and Review Department.) Purchasing Cooperative
The motion authorizing the execution of a contract was approved.

25. Authorize negotiation and execution of a nine-month agreement with Blue Cross and Blue Shield of Texas, a division of Health Care Service Corporation, Chicago, IL, for a Health Maintenance Organization health plan for City employees and retirees in an amount not to exceed \$33,000,000. (Funding in the amount of \$22,000,000 is included in the Fiscal Year 2004-2005 Approved Operating Budget for the Employee Benefits Fund of the Human Resources Department. Funding for the remaining three months of the agreement period is contingent upon available funding in future budgets. This contract will be funded by City, employee and retiree contributions.)
The motion authorizing the negotiation and execution of an agreement was approved.

26. Board and Commission appointments.
The following appointments were made:

| <u>Board/ Appointee</u> | <u>Consensus/ Council Nominee</u> | <u>Appointment/ Reappointment</u> |
|--|---------------------------------------|---------------------------------------|
| <u>Austin Community Education Consortium</u> | | |
| Connie Sadowski | Consensus | Reappointment |
| <u>Child Care Council</u> | | |
| Louanne Aponte | Consensus | Reappointment |
| Wallace Beckham | Consensus | Reappointment |
| Sue Carpenter | Consensus | Reappointment |
| Joene Grissom | Consensus | Reappointment |
| Altha Huston | Consensus | Reappointment |
| Rhonda Paver | Consensus | Reappointment |
| Cristela Perez | Consensus | Reappointment |

27. Approve waiver of the permit fees under Chapter 14-8 of the City Code for the Austin American Statesman Junior Dillo and Capital 10,000 to be held on April 2 and 3, 2005 respectively. (Council Member Betty Dunkerley, Mayor Will Wynn and Council Member Danny Thomas)
The motion authorizing the waiver of the permit fees was approved.

Items 28 and 29 were pulled for discussion.

30. Approve an ordinance waiving the board and commission residency requirements, the prohibition against serving on multiple boards or commissions, and the nine-member limit on board and commission composition under Chapter 2-1 of the City Code, and appointing members to the Bond Advisory Committee. (Mayor Will Wynn, Mayor Pro Tem Jackie Goodman and Council Member Betty Dunkerley)
This item was postponed to March 24, 2005.
31. Set a public hearing for the limited purpose annexation of the Woods of Greenshores Area (Approximately 108 acres located in Travis County east of the intersection of City Park Road and Pearce Road.) (Suggested dates and times: April 7, 2005 at 6:00 p.m. and April 14, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street).
The public hearings were set for April 7 and 14, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.

32. Set a public hearing to consider a variance requested by Jill Rossi and Kerry Kimbrough to allow construction of an addition/house extension to an existing single-family residence in the 100-year floodplain of Shoal Creek at 7303 Greenhaven Drive (Suggested date and time: March 24, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street)
The public hearing was set for March 24, 2005 at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street.

Items 33 through 43 were Executive Session items.

Items 44 and 45 were action on Executive Session items.

Items 46 and 47 were briefings set for a time certain of 2:00 p.m.

Items Z-1 through Z-7 were zoning items set for 4:00 p.m.

Items 48 through 51 were public hearings set for 6:00 p.m.

DISCUSSION ITEMS

10. Amend the Fiscal Year 2004-2005 General Fund Operating Budget of Ordinance No. 040913-01 to increase transfers in from the Contingency Reserve Fund by an amount of \$100,000 and to increase appropriations for the Neighborhood Planning and Zoning Department by an amount \$100,000; and amending the Contingency Reserve Fund to increase transfers out to General Fund by an amount of \$100,000 to fund a toll plan study. (Funding is available in the Fiscal Year 2004-2005 Contingency Reserve Fund.)
Ordinance No. 050310-10 was approved on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote.
29. Approve a resolution directing the City Manager to negotiate and execute a contract with consultants with expertise in toll road financing, policies and planning for the purpose of conducting an independent review of the TxDOT/CTRMA Toll Plan, in an amount not to exceed \$100,000. (Council Member Brewster McCracken, Mayor Pro Tem Jackie Goodman and Council Member Raul Alvarez)
Resolution No. 050310-29 was approved with the following amendment on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second on a 7-0 vote. The amendment from Council Member Alvarez was to add a sentence to the resolution stating that the consultant will be allowed 90 to 120 days to complete the study. Direction was given to the City Manager to seek a funding partnership with Travis County for this review.
12. Approve an ordinance to establish classifications and number of positions in the classified service of the Police Department and repealing Ordinance No. 050113-15. (Funding in the amount of \$7,966 is available in the Fiscal Year 2004-2005 Operating Budget for the Police Department to fund the increase for the Sergeant position.)
Ordinance No. 050310-12 was approved on the consent agenda.
- A motion to reconsider Item 12 was approved on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.**

Ordinance No. 050310-12 was approved on an emergency passage basis, making it effective March 10, 2005 on Council Member Thomas' motion, Council Member Alvarez' second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 10:57 a.m.

EXECUTIVE SESSION (No Public Discussion On These Items)

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney - Section 551.071

Items 33 through 35 were discussed later in the Executive Session.

36. Discuss legal issues related to *Jeff White v. City of Austin, Texas*, Cause No. GN201624, in the 126th Judicial District Court of Travis County, Texas and the legal service contract with Denton, Navarro, Rocha & Bernal, P.C. (concerns alleged retaliation of an Austin Police Department officer) (Related Item 9)
This item was withdrawn.
37. Discuss legal issues concerning the master Development Agreement with Gables Realty Limited Partnership for the proposed "Museum Park Plaza" development at Sandra Muraida Way and Lamar Boulevard including the possible exchange, lease, sale, and value of real property in conjunction with the proposal. (Related Item 42)
This item was withdrawn.
38. Discuss legal issues in *F.L. Vivion, N.K. Ballard, L.I. Ballard and all other Parties similarly situated v. The City of Austin*; Cause No. GN103302; in the 261st Judicial District; Travis County, Texas. (concerns the City transportation user fee and drainage fee.) (Related Item 45)
39. Discuss the sale, lease, or value of the Seaholm Power Plant property located on Cesar Chavez between Lamar Boulevard and Guadalupe Street west of the Green Water Treatment Plant and of Block 21 (bounded by Second Street, Guadalupe Street, Third Street, and Lavaca Street).
This item was withdrawn.

Real Property - Section 551.072

Item 39 was discussed later in Executive Session.

40. Discuss the lease or value of the new City Hall Caf  space to a food service vendor. (Related Items 4, 47)

Items 41 through 43 were discussed later in Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:09 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Jimmy Castro - Star of Texas Fair and Rodeo

Richard Viktorin - Envision Central Texas and the CAMPO Toll Road Plan

Mary Krenek - Recycling

Susana Almanza - Most City of Austin home ownership programs have income criteria of 80% MFI & for a family of four (4) would be an income of \$56,000. Most City's rental housing criteria is 65% MFI for family of four which is \$46,200. Most of our families in East Austin are at a 20% - 30% MFI. This is a clear case of Gentrification of poor & working poor communities of color in East Austin. No More Gentrification/Displacement!

Manouch Ziari - Public Transportation Ordinance. **He was not present when his name was called.**

Paul Avina - Crime

Tomas Pantin - TOD/New Design Standards. **He was not present when his name was called.**

Jennifer Gale - Gentrification Tax Abatement and Annuity for Homeowners

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:29 p.m.

EXECUTIVE SESSION CONTINUED

33. Discuss legal issues regarding the terms of a lease, irrigation, and maintenance agreement assumed by the City of Austin between Northwest Travis County Municipal Utility District No. 2, Balcones Country Club Membership Association, Inc., and Technology Hydraulics, Inc. (Related Item 44)
34. Discuss legal issues concerning proposed legislation in the 79th Legislative Session.
35. Discuss legal issues in Cause No. GN300901; *Ryan-O Excavating, Inc. v. City of Austin v. Banker's Insurance Company, et al.*, 53rd Judicial District, Travis County, Texas. (concerns the Barton Springs Road utility construction project)
41. Discuss acquisition of developed real property in East Austin for use as a city facility.

Executive Session ended and Mayor Wynn called the Council meeting back to order at 2:28 p.m.

Action on Executive Session

44. Approve negotiation and execution of a settlement agreement with Balcones Country Club Membership Association, Inc. in conjunction with the terms of the lease, irrigation, and maintenance agreement assumed by the City of Austin between Northwest Travis County Municipal Utility District No. 2, Balcones Country Club Membership Association, Inc., and Technology Hydraulics, Inc. (Related Item 33)
The motion authorizing the execution of a settlement agreement was approved on Council Member McCracken's motion, Council Member Alvarez' second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

BRIEFINGS

46. Briefing on the City's current bonded indebtedness, bond ratings, and bonding capacity. **The presentation was made by John Stephens, Chief Financial Officer and Greg Canally, Acting Budget Officer.**
47. Presentations of the proposals for the operation of the City Hall Café. (Related Items 4, 40) **The presentation was made by Jan Stephens, Manager of Joint Projects, Economic Growth and Redevelopment Services and Rick Engel, Austin Java.**
4. Approve a resolution authorizing negotiation and execution of a retail lease with a selected operator for operation of the City Hall Café (Funding in the amount of \$112,400 is available in the Fiscal Year 2004-2005 Operating Budget for the Economic Growth and Redevelopment Services, City Hall Retail Tenant Improvements Special Revenue Fund for tenant finish-out improvements.) (Related Items 40, 47) **Resolution No. 050310-4 was approved on Council Member McCracken's motion, Council Member Thomas' second on a 5-0 vote. Mayor Wynn and Council Member Slusher were off the dais.**

Mayor Pro Tem Goodman recessed the Council Meeting to go into Executive Session at 3:40 p.m.

EXECUTIVE SESSION CONTINUED

42. Discuss options concern the master Development Agreement with Gables Realty Limited Partnership for the proposed "Museum Park Plaza" development at Sandra Muraida Way and Lamar Boulevard including the possible exchange, lease, sale, and value of real property in conjunction with the proposal. (Related Item 37)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 4:51 p.m.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.

- Z-1 C14-04-0059 - Harrell / Gatton - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9800-9920 Block of South IH-35 Service Road Southbound (Slaughter Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning, with conditions. Applicant: C.M. Gatton. Agent: Drenner Stuart Wolff Metcalfe von Kreisler, L.L.P. (Michele Allen). City Staff: Wendy Walsh, 974-7719. **Ordinance No. 050310-Z-1 for general commercial services-conditional overlay (CS-CO) combining district zoning, with conditions was approved.**

- Z-2 C14-04-0179 - Big 4 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8602 Cullen Lane (Onion Creek Watershed) from development reserve (DR) district zoning and single family residence standard lot (SF-2) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning, with conditions. Applicant: Big 4 (Jim Pallas). Agent: Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 050310-Z-2 for general commercial services-conditional overlay (CS-CO) combining district zoning, with conditions was approved.
- Z-3 C14-05-0002 - Quick Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9420 Cullen Lane (Slaughter Creek Watershed) from rural residence (RR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning, with conditions. Applicant: Jerry Quick. Agent: Armbrust & Brown, L.L.P. (Richard T. Suttle, Jr.). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 050310-Z-3 for community commercial-conditional overlay (GR-CO) combining district zoning, with conditions was approved.
- Z-4 C14-05-0006 - Hutto Place, L.P. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Lakeline Mall Drive and Highway 183 North (Lake Creek Watershed) from community commercial (GR) district zoning to commercial-liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Applicant: Hutto Place, L.P. (Thomas J. Wolfe). Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 050310-Z-4 for commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning was approved.
- Z-5 C14-05-0007 - Rafael Montes De Oca - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 15200 F.M. 1825 Road (Walnut Creek Watershed) from single family residence standard lot (SF-2) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) commercial district zoning. Applicant: Rafael Montes De Oca. Agent: Tommy Schmoker. City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 050310-Z-5 for general commercial services-conditional overlay (CS-CO) commercial district zoning was approved.
- Z-6 C14-05-0008 - Franks 15601 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 15601 North Interstate Highway 35 Service Road North Bound (Gilleland Creek Watershed) from single family residence standard lot (SF-2) district zoning to general commercial services-conditional overlay (CS-CO) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) district zoning. Applicant: Q. J. Franks. Agent: Bennett Consulting (Jim Bennett). City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 050310-Z-6 for general commercial services-conditional overlay (CS-CO) district zoning and the removal of the restrictive covenant request were approved.

- Z-7 C14-04-0150 - Neighbor's Stop & Go - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6008 Manchaca Road (Williamson Creek Watershed) from limited office (LO) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning, with conditions. Applicant: Anthony R. Bertucci. Agent: Brown McCarroll, L.L.P. (Annick C. Beaudet). City Staff: Wendy Walsh, 974-7719. Note: A valid petition has been filed in opposition to this rezoning request.
This item was postponed to April 7, 2005.

Action on Executive Session

45. Approve a settlement agreement in *F.L. Vivion, N.K. Ballard, L.I. Ballard and all other Parties similarly situated v. The City of Austin*; Cause No. GN103302; in the 261st Judicial District; Travis County, Texas. (concerns the City transportation user fee and drainage fee)(Related Item 38)
The motion authorizing the settlement agreement in the amount of up to \$9,000,000 was approved on Council Member McCracken's motion, Council Member Dunkerley's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 4:58 p.m.

EXECUTIVE SESSION CONTINUED

Personnel Matters - Section-551.074

43. Evaluate the performance of and consider compensation and benefits for the City Auditor. (Related Item 28)

LIVE MUSIC

Tony Harrison

PROCLAMATIONS

Proclamation - Foster Children Day - to be presented by Mayor Will Wynn and to be accepted by Gigi Edwards Bryant

Proclamation - Texans Can! 20th Anniversary - to be presented by Mayor Will Wynn and to be accepted by Jason Marshall?

Proclamation - Purchasing Month - to be presented by Mayor Will Wynn and to be accepted by Jerry Binder and Diana Granger

Proclamation - Seton Medical Center's 30th Anniversary - to be presented by Mayor Will Wynn and to be accepted by Gerald Hill

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 6:47 p.m.

28. Approve a resolution regarding the performance evaluation and compensation package for the City Auditor. (Related Item 43)(Mayor Will Wynn)
Resolution No. 050310-28 was approved with a market adjustment annual salary of \$117,709 on Council Member Dunkerley's motion, Council Member Alvarez' second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTION

48. Conduct a public hearing for the full purpose annexation of the Rosemont at Old Manor Area (Approximately 23 acres in Travis County south of US Highway 290 East, east of the abandoned Missouri Kansas Texas (MKT) Railroad and north of Old Manor Road). (Related Items 49, 50)
The public hearing was closed on Council Member Thomas' motion, Council Member Slusher's second on a 6-0 vote. Council Member McCracken was off the dais.
49. Conduct a public hearing for the full purpose annexation of the Pioneer Hill/COA Tract (Approximately 42 acres in Travis County west of Criswell approximately 1,430 feet west of the intersection of Criswell and Sprinkle Road). (Related Items 48, 50)
The public hearing was closed on Council Member Alvarez' motion, Council Member Dunkerley's second on a 6-0 vote. Council Member McCracken was off the dais.
50. Conduct a public hearing for the full purpose annexation of the Avery Ranch Area (Approximately 62 acres in Williamson County, approximately 2,000 feet north of the intersection of Avery Ranch Blvd and Lisi Anne Drive). (Related Items 48, 49)
The public hearing was closed on Council Member Alvarez' motion, Mayor Wynn's second on a 7-0 vote.
51. Conduct a public hearing for the limited purpose annexation of the Goodnight Ranch Area (Approximately 714 acres in Travis County east of Old Lockhart Highway approximately one tenth of a mile east of the intersection of Slaughter Lane and Old Lockhart Highway).
The public hearing was closed on Council Member McCracken's motion, Council Member Dunkerley's second on a 7-0 vote.

Mayor Wynn adjourned the meeting at 6:53 p.m. without objection.

